

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

---

JENNIFER MANN and ELENI KATZ,  
*individually and on behalf of all others  
similarly situated,*

Plaintiffs,

v.

BLUE DIAMOND GROWERS,

Defendant.

---

Case No.: 2:24-cv-00114-WSH

**ORDER**

AND NOW, this 25th day of March, 2024, upon consideration of the Parties' Joint Motion for Bifurcated Briefing Schedule, it is hereby ORDERED that said Motion is GRANTED. Defendant Blue Diamond Growers may move to dismiss Plaintiffs' Complaint under the first to file rule by April 19, 2024, without waiving its arguments for dismissal on other grounds. Plaintiffs may oppose Defendant Blue Diamond Growers' motion by May 10, 2024. Defendant Blue Diamond Growers may reply by May 31, 2024. The Parties shall meet-and-confer, if necessary, regarding the briefing schedule of a motion to dismiss on other grounds after resolution of Defendant Blue Diamond Growers' motion to dismiss under the first-to-file rule.

**BY THE COURT:**

/s/ W. Scott Hardy

W. Scott Hardy

United States District Judge